

Open Meeting Item



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Executive Director, Ted Vogt

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2017 DEC -4 P 1:49

Bob Burns
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Andy Tobin
Justin Olson

DATE: December 4, 2017

DOCKET NO.: S-20986A-16-0340

TO ALL PARTIES:

Enclosed please find the recommendation of Chief Administrative Law Judge Jane L. Rodda. The recommendation has been filed in the form of an Order on:

JACOB WOHL, MATTHEW JOHNSON, WOHL CAPITAL INVESTMENT GROUP, LLC,
NEX CAPITAL MANAGEMENT, LLC and MONTGOMERY ASSETS, INC.
(ORDER CORRECTING DECISION NO. 76451 *NUNC PRO TUNC*)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

DECEMBER 14, 2017

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

DECEMBER 18, 2017

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

TED VOGT
EXECUTIVE DIRECTOR

Arizona Corporation Commission

DOCKETED

DEC 4 - 2017

DOCKETED BY

On this 4th day of December, 2017, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

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By:



Rebecca Tallman
Assistant to Jane L. Rodda

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 TOM FORESE – Chairman
4 BOB BURNS
5 ANDY TOBIN
6 BOYD DUNN
7 JUSTIN OLSON

8 In the matter of:

9 JACOB WOHL, a single man,

10 MATTHEW JOHNSON, a single man,

11 WOHL CAPITAL INVESTMENT GROUP, LLC, a
12 California limited liability company,

13 NEX CAPITAL MANAGEMENT, LLC, a Delaware
14 limited liability company, and

15 MONTGOMERY ASSETS, INC., a Wyoming
16 corporation,

17 Respondents.

DOCKET NO. S-20986A-16-0340

DECISION NO. _____

ORDER CORRECTING DECISION
NO. 76451 NUNC PRO TUNC

18 Open Meeting
19 December 18, 2017
20 Phoenix, Arizona

21 * * * * *

22 Having considered the entire record herein and being fully advised in the premises, the Arizona
23 Corporation Commission (“Commission”) finds, concludes, and orders that:

24 **FINDINGS OF FACT**

25 1. On November 7, 2017, the Commission issued Decision No. 76451 approving the Order
26 to Cease and Desist, Order for Restitution, Order for Administrative Penalties and Consent to Same
27 (“Consent Order”) by Jacob Wohl; Matthew Johnson; Wohl Capital Investment Group, LLC; NeX
28 Capital Management, LLC; and Montgomery Assets, Inc. (collectively “Respondents”).

2. On December 1, 2017, the Commission’s Security Division (“Division”) and
Respondents filed a Joint Motion for Entry of *Nunc Pro Tunc* Order. In their Motion, the parties indicate
that during the Open Meeting on October 23, 2017, the Consent Order was verbally amended to show

1 the following changes which were not reflected in Decision No. 76451:

2 On Page 18, Line 1,

3 DELETE: "the date of this Order."

4 INSERT: "November 22, 2017."

5 On Page 18, Line 3:

6 DELETE: "October"

7 INSERT: "December"

8 On Page 18, Line 24:

9 DELETE: "October"

10 INSERT: "December"

11 3. The record of the Open Meeting supports the parties' position, and Decision No. 76451
12 should be corrected, *nunc pro tunc*, as discussed herein.

13 **CONCLUSIONS OF LAW**

14 1. The Commission has jurisdiction of this matter pursuant to Article XV of the Arizona
15 Constitution and A.R.S. § 44-1801, *et. seq.*

16 2. Decision No. 76451 should be corrected, *nunc pro tunc*, as discussed herein.

17 **ORDER**

18 IT IS THEREFORE ORDERED that Decision No. 76451 is hereby corrected, *nunc pro tunc*,
19 as follows:

20 On Page 18, Line 1,

21 DELETE: "the date of this Order."

22 INSERT: "November 22, 2017."

23 On Page 18, Line 3:

24 DELETE: "October"

25 INSERT: "December"

26 On Page 18, Line 24:

27 DELETE: "October"

28 INSERT: "December"

1 IT IS FURTHER ORDERED that the remainder of Decision No. 76451 shall remain in full
2 force and effect.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
5

6
7 CHAIRMAN FORESE

COMMISSIONER DUNN

8
9 COMMISSIONER TOBIN

COMMISSIONER OLSON

COMMISSIONER BURNS

10 IN WITNESS WHEREOF, I, TED VOGT, Executive Director of
11 the Arizona Corporation Commission, have hereunto set my
12 hand and caused the official seal of the Commission to be affixed
13 at the Capitol, in the City of Phoenix, this _____ day
14 of _____ 2017.

15 TED VOGT
16 EXECUTIVE DIRECTOR

17 DISSENT _____

18 DISSENT _____
19 BDS:rt

SERVICE LIST FOR:

JACOB WOHL, MATTHEW JOHNSON, WOHL
CAPITAL INVESTMENT GROUP, LLC, NEX
CAPITAL MANAGEMENT, LLC and
MONTGOMERY ASSETS, INC.

DOCKET NO.:

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